

**Mississippi Secretary of State**  
700 North Street P. O. Box 136, Jackson, MS 39205-0136

**ADMINISTRATIVE PROCEDURES NOTICE FILING**

AGENCY NAME MS Department of Wildlife, Fisheries & Parks		CONTACT PERSON Sally Sutherland	TELEPHONE NUMBER 601-432-2400	
ADDRESS 1505 Eastover Drive		CITY Jackson	STATE MS	ZIP 39211
EMAIL sallys@mdwfp.state.ms.us	SUBMIT DATE 10/25/10	Name or number of rule(s): F2-1405 (I)		

Short explanation of rule/amendment/repeal and reason(s) for proposing rule/amendment/repeal: Under Section 49—7-80 Possession of aquatic organisms.

Specific legal authority authorizing the promulgation of rule: Section 49-7-80

List all rules repealed, amended, or suspended by the proposed rule: F1-1405

**ORAL PROCEEDING:**

☐ An oral proceeding is scheduled for this rule on Date: \_\_\_\_\_ Time: \_\_\_\_\_ Place: \_\_\_\_\_

☒ Presently, an oral proceeding is not scheduled on this rule.

If an oral proceeding is not scheduled, an oral proceeding must be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) or more persons. The written request should be submitted to the agency contact person at the above address within twenty (20) days after the filing of this notice of proposed rule adoption and should include the name, address, email address, and telephone number of the person(s) making the request; and, if you are an agent or attorney, the name, address, email address, and telephone number of the party or parties you represent. At any time within the twenty-five (25) day public comment period, written submissions including arguments, data, and views on the proposed rule/amendment/repeal may be submitted to the filing agency.

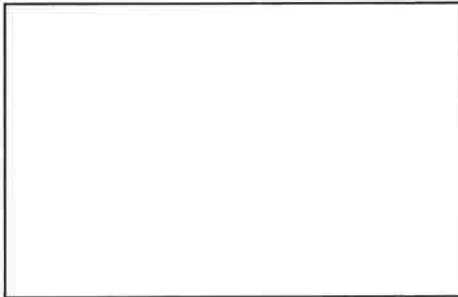
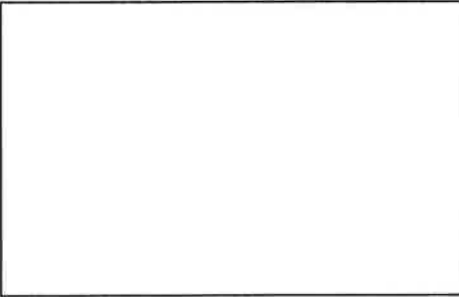
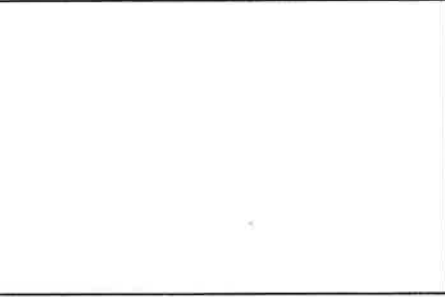
**ECONOMIC IMPACT STATEMENT:**

☒ Economic impact statement not required for this rule. ☐ Concise summary of economic impact statement attached.

TEMPORARY RULES	PROPOSED ACTION ON RULES	FINAL ACTION ON RULES
_____ Original filing _____ Renewal of effectiveness To be in effect in _____ days Effective date: _____ Immediately upon filing _____ Other (specify): _____	<b>Action proposed:</b> _____ New rule(s) <input checked="" type="checkbox"/> Amendment to existing rule(s) _____ Repeal of existing rule(s) _____ Adoption by reference <b>Proposed date of adoption:</b> <input checked="" type="checkbox"/> 30 days after filing _____ Other (specify): _____	<b>Action taken:</b> _____ Adopted with no changes in text _____ Adopted with changes _____ Adopted by reference _____ Withdrawn _____ Repeal adopted as proposed <b>Effective date:</b> _____ 30 days after filing _____ Other (specify): _____

Printed name and Title of person authorized to file rules: SAM POLLES, Ph.D., Executive Director

Signature of person authorized to file rules: 

OFFICIAL FILING STAMP	DO NOT WRITE BELOW THIS LINE OFFICIAL FILING STAMP	OFFICIAL FILING STAMP
		
Accepted for filing by	Accepted for filing by	Accepted for filing by

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.

**MISSISSIPPI DEPARTMENT OF WILDLIFE, FISHERIES & PARKS**  
**Bureau of Fisheries and Wildlife**  
**1505 Eastover Drive**  
**Jackson, MS 39211**

**PUBLIC NOTICE OF INTENT F2- 1405(I)**

TO: The Honorable Delbert Hosemann  
Secretary of State  
Post Office Box 136  
Jackson, MS 39205

AND

ALL INTERESTED PERSONS

The Mississippi Commission on Wildlife, Fisheries and Parks at a meeting in Jackson, Mississippi on October 22, 2010, under authority of Section 25-43-7, Mississippi Code of 1972, make known its intent to adopt the following regulations on possession of aquatic organisms under authority of Section 49-7-80.

Be it ordered that Public Notice 1405 is hereby repealed and the following rules, and regulations are adopted.

It shall be unlawful for any person or persons to transport into the state, offer for sale or have in their possession within the state live forms of the following fishes:

<u>Scientific names, Genus names or Family name</u>	<u>Common name(s)</u>
<i>Clarias batrachus</i>	Walking Catfish
All species in the Genera <i>Pygocentrus</i> , <i>Pristobrycon</i> , <i>Pygopristis</i> , <i>Serrasalmus</i>	Piranhas
<b>All species in the Family <i>Channidae</i></b> <b>All species in the Family <i>Synbranchidae</i></b>	<b>Snakeheads</b> <b>Swamp Eels</b>

Any person or persons having these species in their possession shall immediately notify the Mississippi Department of Wildlife, Fisheries and Parks of such possession.

Conservation Officers shall take possession of these fishes and dispose of them in any humane manner to prevent their introduction into any waters within the State of Mississippi.

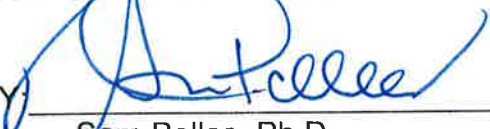
Except for legally permitted aquaculture facilities, it shall be illegal for any person, firm, company or agency to stock, release or cause to be released into any private or public pond, lake, stream, river or any other water body within the state any nonnative aquatic species as defined in Section 49-7-1 except for common carp (*Cyprinus carpio*) goldfish (*Carassius auratus*), koi (*Cyprinus carpio*), and triploid or sterile grass carp (*Ctenopharyngodon idella*). Rainbow trout (*Oncorhynchus mykiss*) may only be stocked in private ponds but not in any other water body unless as specified in the MS Code of 1972, as amended under Section 49-7-80.

Anyone wishing to comment on the above proposed action may do so in writing to the Executive Director, Mississippi Department of Wildlife, Fisheries and Parks, 1505 Eastover Dr., Jackson, MS 39211, no later than November 22, 2010.

**MISSISSIPPI COMMISSION ON WILDLIFE,  
FISHERIES AND PARKS**

BY:   
Charles Rigdon, Chairman

**MISSISSIPPI DEPARTMENT OF WILDLIFE,  
FISHERIES AND PARKS**

BY:   
Sam Polles, Ph.D.